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REMARKS

Claims 1-28, 55-57, and 64-70 are pending, with claims 1, 15, and 55 being independent. Claims 29-54 and 58-63 are cancelled by this amendment without prejudice or waiver due to a restriction requirement as being drawn to a non-elected invention. New claims 64-70 are being added by this amendment. No new matter is being added.

Claims 15-28 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 15-28 have been amended to obviate this rejection. Applicants respectfully request reconsideration and withdrawal of the § 101 rejection.

Claims 1-28 and 55-57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Middleton et al. (WO 99/13423) in view of Guyot et al. (6,119,098). Applicants have amended independent claims 1, 15, and 55 to obviate this rejection.

As amended, claims 1 and 15 recite a method (claim 1) and a computer program (claim 15) of presenting advertising to viewers in a computer program network environment that includes, among other features, monitoring a viewer's interactions with an associated computer system, determining an amount of time to be used in later displaying advertisements on the viewer's associated computer system based on the viewer's monitored interactions, and adjusting a timing of later displayed advertisements on the viewer's associated computer system based on the determined amount of time. As amended, claim 55 recites a method of optimizing a click-through rate of a user viewing content in a computer network environment that includes, among other features, downloading advertisements and a set of tuning parameters to a user's computer. The set of tuning parameters are configured to cause a display of a first advertisement on the user's computer to be changed to a display of another advertisement on the user's computer by determining an amount of time to be used in the later displayed advertisement based on a user's activity with respect to the user's computer. Click-through information for the advertisements is stored and is sent to a host computer.

Applicants respectfully requests reconsideration and withdrawal of the rejection because Middleton and Guyot, either alone or in combination, fail to describe or suggest determining an amount of time to be used in later displaying advertisements based on the viewer's monitored

interactions and adjusting a timing of later displayed advertisements based on the determined amount of time, as recited in amended claims 1, 15, and 55.

Middleton discloses an applet that is downloaded to the user's web browser to track the user's interactions with a web page and to forward the tracked interaction information from the user's computer to a remote server. The applet enables an advertiser to track consumer responses to advertising impressions on a web page without requiring the user to download other pages. See Middleton at Abstract. "Tracked user interactions include mouse cursor position, time displayed on page, time of mouse cursor hovering over the advertisements, and so on." See Middleton at Abstract.

Middleton is designed to provide feedback to the owner or author of the advertisement regarding how a user interacts with their advertisements, a design that is evident from each of the following sections of Middleton.

> "As a result, an advertiser may understand (make inferences as to) what motivates users to pay initial attention to and/or otherwise interact with Web page advertising." See Middleton, page 3, lines 21-24.

> "As a result, the advertiser may obtain information about what interests the user without the user having to leave the originally displayed Web page or performing other tasks which are perceived as being cumbersome and/or distracting from what the user was originally doing." See Middleton, page 5, lines 1-5.

> "The applet program 44 therefore permits the authors of the advertisement 39 to better understand how the users interact with the Web page advertisement in order to provide more effective advertising." See Middleton, page 7, line 30 to page 8, line 2.

> "What is important is that the logged interaction data is eventually flushed to the server 12b, so that the author of the advertisement 39 may occasionally check on the collection 62 of activity logs stored at the server 12b and analyze the data in order to determine the effectiveness of the advertisement 39." See Middleton, page 11, lines 22-27.

Middleton tracks different activities related to cursor movement and location using different time intervals. Items such as cursor location may be tracked in short-time intervals

such as microseconds. By contrast, cursor hover time may be tracked in a microsecond time frame until the hover state has been maintained for a threshold period of time, and thereafter, hover time may be tracked at longer time intervals, such as seconds. See Middleton, page 10, lines 4-15.

Guyot discloses a client application that displays downloaded advertisements in a dedicated advertising window that is continuously displayed on the subscriber's computer and that is sensitive to mouse and/or keyboard activity, even if other applications are running concurrently on the subscriber's computer. See Guyot Abstract. Guyot discloses a client application that monitors the keyboard and mouse activity on the subscriber's computer "to determine when the subscriber is most likely to be watching the computer screen. The client application then uses this information to schedule the display of advertisements on the subscriber's computer." See Guyot, col. 2, lines 8-14.

Guyot also describes displaying advertisements that have been specifically designated for display when a screen saver mode is entered. "The client application also includes a screen saver mode that is activated when the subscriber's computer is idle for a predetermined period of time. When the screen saver mode is activated, the client application displays advertisements that are specifically registered for display when the screen saver mode is activated." See Guyot, col. 2, lines 15-20. Additionally, for each advertisement, Guyot maintains "the identification of the advertiser that provided advertisement, the time frame during which the advertisement should be displayed on the subscriber system 300, the profile of the subscriber that the advertisement should be targeted to, the maximum number of times the advertisements should be displayed, the maximum number of times the advertisements should be displayed per day, the size of the advertisement, the Uniform Resource Locator (URL) address of the advertiser, the expiration date of the advertisement, the number of times the advertisement has already been distributed, and the number of times the advertisement has already been displayed." See Guyot, col. 4, lines 1 - col. 5, line 5.

Middleton and Guyot, either alone or in combination, do not render claims 1, 15, and 55 obvious. Middleton and Guyot fail to describe or suggest "determining an amount of time to be

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used in later displaying advertisements on the viewer's associated computer system based on the viewer's monitored interactions." (Emphasis added). As described above, Middleton monitors a user's interactions with respect to advertisements on a web page so that feedback may be provided to the owner or author of the advertisement. Middleton does not describe or suggest determining an amount of time to be used in later displaying advertisements based on the viewer's monitored interactions.

Guyot describes monitoring keyboard and mouse activity on the subscriber's computer to use the information to schedule the display of advertisements on the subscriber's computer. However, Guyot does not describe or suggest determining an amount of time to be used in later displaying advertisements based on one or more of the viewer's monitored interactions. In contrast, Guyot uses the idle time to transition from displaying advertisements that are designated for an active mode to advertisements that are specifically designated for a screen saver mode. Guyot does describe different advertisement data parameters such as the maximum number of times an ad should play, an expiration data for the ad, and the time of day, week, month, and frequency that the ad should be displayed in one day. However, Guyot does not describe determining the duration of a particular advertisement that should be displayed to the user and, importantly, does not describe determining the duration of a particular advertisement based on the monitored actions. Guyot cannot determine the lengths of time during which advertisements are displayed because Guyot does not track any advertisement parameter related to the duration of time that a particular advertisement should be displayed to the user.

Furthermore, Middleton and Guyot fail to describe or suggest adjusting the timing of later displaying advertisements based on the determined amount of time. Middleton's monitoring of a user interaction's with respect to advertisements does not describe or suggest adjusting the timing of later displaying advertisements based on the determined amount of time. Since Guyot does not track any advertisement parameter related to the duration of time that a particular advertisement should be displayed, then Guyot cannot adjust the timing of later displaying advertisements.

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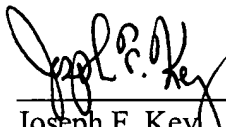Filed   : October 17, 2000
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For at least these reasons, applicants respectfully request withdrawal of § 103(a) rejection of claims 1, 15, and 55, and their dependent claims 2-14, 16-28, 56, and 57.

No fees are believed to be due at this time. However, during the prosecution of this application, please apply any deficiencies or credits to deposit account 06-1050.

Respectfully submitted,

Date: 4/30/2004

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